

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

CHARLES ROBERT BARLOW, # 10098-043

PLAINTIFF

V.

CIVIL ACTION NO. 2:08cv31-MTP

FORREST COUNTY SHERIFF'S DEPT., ET AL.

DEFENDANTS

ORDER

THIS MATTER is before the court on the Defendants' Motion to Strike [83] Plaintiff's Opposition [82] to Defendants' Motion for Summary Judgment [79] as untimely. Having considered the motion and the applicable law, the court finds that the motion should be denied.

Defendants correctly note that Plaintiff was granted an extension of time until October 22, 2009, to respond to their Motion for Summary Judgment [79]. While Plaintiff's response was not "filed" until October 29, 2009, his response was signed and dated October 15, 2009, which makes it timely under the mail box rule. *See* Response [82][86]; *Richardson v. Thornton*, 299 F. App'x 461, 463 (5th Cir. 2008). Moreover, *pro se* litigants' pleadings are entitled to liberal construction and are held to less stringent standards. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Accordingly,

IT IS, THEREFORE, ORDERED:

That Defendants' Motion to Strike [83] is DENIED.

SO ORDERED this the 20th day of November, 2009.

s/ Michael T. Parker

United States Magistrate Judge